

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

TERRY CHAMBERS,

Plaintiff,

v.

BLUESTEM BRANDS, INC.  
d/b/a Fingerhut,

Defendant.

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PLAINTIFF’S COMPLAINT 3:15-cv-45-TCB-RGV

**COMPLAINT**

NOW COMES Plaintiff, TERRY CHAMBERS (“Plaintiff”), by and through his attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, BLUESTEM BRANDS, INC. d/b/a Fingerhut (“Defendant”):

**Introduction**

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

**Jurisdiction and Venue**

2. Jurisdiction of this court arises pursuant to 28 U.S.C. 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant to 28 U.S.C. 1391(b)(1) as the acts giving rise to this action occurred in this district, as Plaintiff reside in this district and Defendant conducts business in the this district.

**Parties**

4. Plaintiff is a natural person residing in Villa Rica, Georgia, Carroll County.

5. Defendant is a business entity incorporated in Delaware and headquartered at 6509 Flying Cloud Drv., Eden Prairie, Minnesota 55344.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **Factual Allegations**

7. In or before 2014, Defendant began placing telephone calls to (678) 698-02xx, Plaintiff's cellular telephone.

8. Defendant used phone numbers (800) 503-2370 and (800) 503-2463 to call Plaintiff.

9. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant used an automatic telephone dialing system or other equipment capable of storing and/or producing telephone numbers ("auto dialer") to call Plaintiff.

10. These calls were to collect funds from Plaintiff for online purchases.

11. These calls were for a non-emergency purpose.

12. On or about September 1, 2014, Plaintiff instructed Defendant to stop calling him.

13. Plaintiff repeated this instruction on multiple occasions.

14. Plaintiff revoked any consent, actual or implied, for Defendant to use an auto dialer to call his cell phone.

15. Defendant continued to use an auto dialer to call Plaintiff's cell phone.

16. Since October 19, 2014, Defendant used an auto dialer to call Plaintiff's cell phone at least one hundred seventeen (117) times.

17. Defendant voluntarily and willfully placed these calls.

18. Defendant intended to use an auto dialer to place these calls.
19. Defendant did not have Plaintiff's express consent to place these calls.

**Count I**  
**Defendant Violated the Telephone Consumer Protection Act**

20. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

21. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, TERRY CHAMBERS, request that judgment be entered against Defendant, BLUESTEM BRANDS, INC. d/b/a Fingerhut, for the following:

22. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B).
23. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C).
24. All court costs, witness fees and other fees incurred.
25. Any other relief that this Honorable Court deems appropriate.

Respectfully submitted,

KROHN & MOSS, LTD.

Date: March 11, 2015

By: /s/ Shireen Hormozdi

Shireen Hormozdi

Krohn & Moss, Ltd

10474 Santa Monica Blvd.

Suite 405

Los Angeles, CA 90025

Tel: (323) 988-2400 x 267

Fax: (866) 861-1390

Email: [shormozdi@consumerlawcenter.com](mailto:shormozdi@consumerlawcenter.com)